

# Guide to Effective Participation for the Pinedale Anticline Working Group and Subcommittees

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Don Maruska & Company, Inc. prepared this Guide under contract with the U.S. Bureau of Land Management. The Guide offers perspectives and suggestions to promote BLM's objectives of effective engagement and collaboration. It does not purport to offer formal legal opinions about federal statutes or regulations. For such information, please refer to the resources at the end of this Guide.

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## Standard Issues and Unique Circumstances for the PAWG

- The Pinedale-Anticline Working Group (PAWG) is a formal advisory group established consistent with the Federal Advisory Committee Act (FACA), which requires that specific procedures be followed.
- A unique element of the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Pinedale-Anticline Project Area is the creation of the Pinedale-Anticline Project Office (PAPO), which provides overall management of on-site monitoring and off-site mitigation activities primarily focusing on mule deer, pronghorn and Greater sage-grouse. The PAPO operates with its own Board of Directors, including BLM and State agencies. It also conducts public outreach.

## Multiple Opportunities for Public Engagement and Collaboration

Most stakeholder engagement can occur through informal information exchange. Where a special project involves BLM and other public or private groups, there needs to be a clear definition of roles and responsibilities in order to assure that such partners have the necessary independence to secure sources of funding not accessible to BLM. A formal Advisory Committee like the PAWG has a defined advice role.

The following table outlines the different opportunities for collaboration.

<i><b>Form</b></i>	<i><b>Sample Formats</b></i>	<i><b>Considerations</b></i>
Information exchange	BLM <ul style="list-style-type: none"><li>▪ provides information via newsletters, email lists, submissions to user group publications, or other media;</li><li>▪ attends stakeholder meetings (as schedules and budgets permit) and presents information and responds to questions</li></ul>	<ul style="list-style-type: none"><li>▪ Encourage information exchange without creating a de facto advisory role.</li><li>▪ Make information provided to any group accessible to public (e.g. post on web site, provide in flyers, etc.).</li></ul>
Special Projects	Friends groups or other private/public entities <ul style="list-style-type: none"><li>▪ develop plans with BLM,</li><li>▪ solicit outside funding, and/or</li><li>▪ aid in implementation and operations—for example, creating and operating a visitor center, developing, improving, or maintaining trails, etc.</li></ul>	<ul style="list-style-type: none"><li>▪ Define roles and responsibilities clearly.</li><li>▪ Maintain independence among partners in order to assure that partners can access outside funding.</li><li>▪ Honor organizational roles to avoid interfering in reporting relationships.</li></ul>
Advice	May take several forms: <ul style="list-style-type: none"><li>▪ one-time effort of limited duration to analyze an issue and report back</li></ul>	<ul style="list-style-type: none"><li>▪ Keep clear distinction between advice and direction.</li></ul>

	<ul style="list-style-type: none"> <li>▪ ongoing review of operations and advice about priorities and implementation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Follow required FACA procedures</li> </ul>
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## Objectives and Scope of PAWG Activities

Per the PAWG Charter, “The PAWG provides advice on matters concerning mitigation and monitoring of the public resources located within the approximately 200,000 acres analyzed in the Pinedale Anticline Supplemental Environmental Impact Statement. The PAWG will not provide advice on the allocation and expenditures of Federal funds or on personnel actions.” [See the “Description of Duties” in the Charter for further details.]

## Requirements to Satisfy FACA

- In order to ensure fairness in access and influence, FACA requires a structured approach for representation, independence, and reporting. Subcommittees reporting to an advisory committee and not directly to a Federal officer or agency are not directly subject to FACA requirements but need to operate consistent with the principles of fairness underlying FACA.
- Role of advisory committee per CFR 43.1784.6-1(b):  
“advises the Bureau of Land Management official to whom it reports regarding the preparation, amendment and implementation of land use plans for public lands and resources within its area. Except for the purposes of long-range planning and the establishment of resource management priorities, a resource advisory council shall not provide advice on the allocation and expenditure of funds. A resource advisory council shall not provide advice regarding personnel actions.”
- Under CFR 43.1784, Technical Review Teams as defined in those regulations may formally involve only federal employees and government contractors.

## Guidelines for an Effective PAWG

### *1. Target PAWG meetings on key topics*

- a. Focus on key monitoring and mitigation relevant to PAWG’s advice to BLM (primarily on habitat issues) – wildlife, water resources, and reclamation.
- b. Have advance discussion at prior PAWG meeting to identify specific issues and concerns for discussion at the next meeting.
- c. Encourage participation by relevant federal, state, and local agencies.
- d. Provide advance materials on the key topics for PAWG and public review and comment

**2. *Set quarterly PAWG meetings***

- a. Track key topics and major activities
- b. Provide sufficient time between meetings for staff, agencies, PAWG, and public to prepare and review information
- c. Build a schedule of key topics – for example,
  - i. Fall – wildlife
  - ii. Winter – water resources
  - iii. Spring – implications of Annual Plan and 10-year forecast for air quality, socio-economic, transportation, and other concerns [with active participation of WY, County, and local agencies are largely responsible for these areas]
  - iv. Summer – reclamation and cultural and historic resources

**3. *Add field trips to see management processes in action***

- a. Target roughly two half-day field trips per year in conjunction with PAWG meetings and open to public.
- b. Rotate focus on key areas of key interest to public for which a field trip adds distinctive value, for example, wildlife, water resources, reclamation, and, perhaps, cultural.
- c. Encourage Q&A dialogue with operators and relevant agencies and identification of any continuing concerns.

**3. *Establish a standing agenda structure for PAWG meetings***

- a. Call to order
- b. Approval of summary minutes from prior meeting
- c. Designated Field Officer report
  - i. Responses to previously received PAWG advice
  - ii. Recent developments of note on PAPA
  - iii. Updates and upcoming activities
- d. Key topic for discussion
  - i. Review of materials posted in advance
  - ii. Discussion (including public comment on topic)
  - iii. Advice from PAWG
- e. Review PAWG schedule and prep for next PAWG meeting
  - i. Key topic for next session – identify specific issues, concerns, and desired information
- f. Public comment on other topics

## **Key Factors for Successful PAWG Results**

- A. Clarity about the roles and responsibilities of BLM, PAPO, and State agencies.
- B. Follow through on the guidelines above and report through PAWG, web site, and public on the results.
- C. Successful PAWG meetings with targeted agendas that define meaty topics of public interest where BLM seeks advice with active engagement of BLM staff and key State agencies.
- D. Clear explanations by BLM and State agencies of how they are addressing key issues of wildlife, air, and water (policies and procedures), responding to public questions and concerns, and dealing with third-party critiques.
- E. Recruitment and prompt approval of nominations for PAWG members whom public will trust to review key issues.
- F. Stability in leadership and staffing of Pinedale Field Office to develop and sustain effective relationships with agencies and stakeholders.

## **Considerations for Creation of Subcommittees, As Needed**

The following sections focus on the critical elements for effective Subcommittees.

### ***1. Create a Subcommittee only where there is a clear need to support the PAWG***

The PAWG is the only authorized advisory body. Where possible, the PAWG itself needs to discuss issues directly. As stated in the PAWG Charter, “At the direction of the Designated Federal Office (DFO), the PAWG may review and analyze information, recommend issues for evaluation, and provide advice on the issues presented.” With regard to Subcommittees, the Charter states:

“Subject to the DFO’s approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the PAWG for consideration. Subcommittees must not provide advice or work products directly to the Agency. The PAWG Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.”

## 2. *Establish a Clear Template for Each Subcommittee*

Where a focused Subcommittee is desirable, use the following guidelines:

- Create the Subcommittee through the FACA-approved PAWG with a specific mission and meetings linked to elements in the mission.
- Provide for balanced membership on a Subcommittee consistent with the purpose of the Subcommittee.
- Keep the Subcommittee size workable—typically, 7 members or less.
- Establish membership criteria that are broad to attract best talent.
- Include at least one member from the PAWG to facilitate reporting back to the PAWG.
- If the Subcommittee is ongoing, establish membership terms (and option for consideration of reappointment) that match those of the PAWG; stagger terms.
- Report recommendations from the Subcommittee through the PAWG to BLM. Here are some options:
  - a. Where the Subcommittee is established to provide ongoing advice on issues requiring attention between PAWG meetings— Subcommittee submits its meeting report to the PAWG Chair who distributes it to PAWG members for a suggested 14-day comment period before forwarding them to BLM.
  - b. Where the Subcommittee is established by the PAWG to address a particular policy issue or question that the PAWG intends to review and act upon — Subcommittee submits its report to the PAWG Chair who includes it on the agenda for an upcoming PAWG meeting.

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Template for \_\_\_\_\_ Subcommittee

Mission:

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Expertise/interests needed and # of members:

Term for Subcommittee membership:

Selection of members and election of officers:

Meeting schedule:

Process for reporting to PAWG:

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### ***3. Follow Constructive Communication Guidelines***

Before applicants apply for a Subcommittee, be sure that they understand and have pledged to support the following Communication Guidelines for members. These items serve to keep roles and responsibilities clear.

1. Develop clarity about mission for each Subcommittee and specific examples of the distinction between advice role as described in CFR 43.1784.6-1(b) and BLM management responsibilities to avoid conflict about roles of members and BLM staff.
2. Work through the Subcommittee chair and designated BLM staff to raise issues, offer recommendations, or make requests.
3. Give time for Subcommittee chair and BLM staff to respond before sidestepping or moving up the chain.
4. Provide responses on inquiries to all Subcommittee members and a log available at a web site or other location for interested members of public to review.
5. Commit to a spirit of mutual respect and meaningful collaboration.
6. Serve as a channel of accurate information to interested constituencies and the public.
7. Prepare summaries of meeting discussions and notation of specific recommendations.
8. Address at least annually how the Subcommittee and BLM staff are working together and identify suggested improvements.

### ***4. Recruit Effective Subcommittee Members***

If the PAWG creates a standing subcommittee, BLM sends out announcement for openings, BLM recommends appointees to PAWG, and the PAWG makes final approval. [See Membership Application below.] If the PAWG creates an ad-hoc subcommittee for a specific short-term purpose, the PAWG Charter provides for appointment of subcommittee members with the DFO's approval.

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Membership Application for \_\_\_\_\_ Subcommittee

1. Please specify the interest or expertise category you are representing (as identified for the Subcommittee).
2. Describe the knowledge, skills, or experience that qualify you to advise BLM on the topics of the Subcommittee's Mission.
3. What experience do you have in working in an advisory role with a collaborative approach?
4. Do you support the Communication Guidelines established for the Subcommittee?



5. Are you available to attend the planned Subcommittee meetings?
6. Please add any other comments relevant for consideration by BLM in making its recommendations for membership and the PAWG's selection and approval.

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### ***5. Be Good Advisors, Not Directors***

It is important to note that CFR 43.1784.6-1(b) explicitly limits the role of advisory groups in the following way:

(b) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding the preparation, amendment and implementation of land use plans for public lands and resources within its area. Except for the purposes of long-range planning and the establishment of resource management priorities, *a resource advisory council shall not provide advice on the allocation and expenditure of funds. A resource advisory council shall not provide advice regarding personnel actions. [emphasis added]*

Similarly, on non-financial matters, Subcommittee members need to focus on their role in giving advice not direction to the specified BLM manager.

### ***6. Review Ongoing Performance and Need for a Subcommittee***

It's advisable for the PAWG and BLM staff to make at least an annual review of any standing Subcommittee and its performance. Here are some questions for consideration:

1. How has the Subcommittee contributed to the BLM's effectiveness in managing the relevant resources?
2. Has the Subcommittee completed its mission and is no longer required?
3. What are some options to enhance the Subcommittee's value for resource management and the members' satisfaction in contributing their time and effort?
4. How can coordination between the Subcommittee and the PAWG be enhanced to fulfill the FACA requirements and ensure timely and effective advice?
5. Is the expertise on the Subcommittee still relevant or do changes in resource management issues suggest some modifications?

## **7. Celebrate Successes**

Stakeholders who volunteer to advise BLM contribute their valuable time and effort. Take time to recognize those contributions and how they made a difference. Highlight examples so that constituencies know who the Subcommittee members are and what they are doing. Working together to improve the management and use of the resources under BLM's stewardship is important. Focus on progress made as well as needs yet unmet. Enjoy the experience!

## **Frequently Asked Questions**

*1. Is a FACA-approved Advisory Committee or Subcommittee the only way to provide input to BLM about the management of resources?*

No. Constituencies have many formal and informal opportunities. These include written opinions, comments at public meetings, and other means. Such opportunities particularly apply for public concerns that lie outside the scope of the Charter for an advisory body. The formal procedures outlined above relate to circumstances where BLM has authorized the formation of a formal advisory group such as the PAWG.

*2. How does a Subcommittee differ from a Technical Review Team (TRT)?*

A Subcommittee includes representatives of various constituencies, user groups, etc. A Technical Review Team (TRT) can only consist of government employees and contractors.

*3. What triggers the need to follow FACA requirements for a group providing input to BLM?*

Any time a Federal agency intends to establish, control, or manage a group that gives advice as a group and has at least one member who is not a Federal, Tribal, State, or local government employee, the agency must comply with FACA and the related administrative guidelines developed by the General Services Administration. FACA seeks to promote meaningful public participation in government decisions and ensure that no particular interest group has unfair access to policy makers.

*4. How can someone apply for membership on a Subcommittee?*

Contact the BLM Pinedale Field Office and request information about openings. Take some time to learn about the Mission and template for the Subcommittee.

*5. Can organizations direct who will serve as representatives on a Subcommittee?*

No. A Subcommittee is a creation of the FACA-approved PAWG. As such, the PAWG (with the approval of the DFO) must approve the appointment of members. When a subcommittee is formed, a current PAWG member needs to agree to serve on the subcommittee as a representative of the PAWG (and not necessarily of his or her interest category).

6. *Does a Subcommittee continue indefinitely or does it have a fixed term?*

This depends upon the purpose of a Subcommittee as designated in the template for the specific Subcommittee. Since each Subcommittee requires administrative support as well the time and effort of volunteer members, the PAWG should periodically review (at least annually) the need for the Subcommittee.

7. *What level of information or detail is appropriate for Subcommittees to review?*

A Subcommittee serves to provide information and advice to the PAWG so that it, in turn, can provide advice and recommendations to the BLM. Its role is purely advisory. Neither a Subcommittee nor the PAWG is authorized to direct any action by BLM.

8. *What effect does a “resolution” or vote of a Subcommittee have?*

Any resolution or vote of a Subcommittee is purely advisory. It registers the sentiment of the group. A Subcommittee provides particular value when it can suggest ways to reconcile multiple interests rather than record only narrow partisan points of view.

9. *What contributes to successful engagement of stakeholder groups with BLM?*

Successful working relationships require open minds, mutual respect, shared problem solving—and a touch of good humor.

## **Resources**

Federal Advisory Committee Act

Federal Register: 41 CFR Parts 101-6 and 102-3, July 19, 2001

Bureau of Land Management National Policy for the Federal Advisory Committee Act  
BLM/WO/GI-05/007+1614, May 2005; [www.blm.gov/adr](http://www.blm.gov/adr)

Record of Decision, Supplemental Environmental Impact Statement, September 2008,  
<http://www.blm.gov/wy/st/en/info/NEPA/pfodocs/anticline/seis.html>

Pinedale-Anticline Project Office, <http://www.wy.blm.gov/jio-papo/papo/index.htm>

PAWG Charter, <http://www.blm.gov/pgdata/etc/medialib/blm/wy/field-offices/pinedale/pawg.Par.68432.File.dat/2010Charter.pdf>